



January 31, 2002

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## HOUSE BILL No. 1208

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DIGEST OF HB 1208 (Updated January 30, 2002 10:28 AM - DI 87)

**Citations Affected:** IC 34-6; IC 36-8.

**Synopsis:** Volunteer firefighters and fire departments. Grants immunity from civil liability to certain persons who donate fire control or fire rescue equipment to a fire department of a political subdivision or to a volunteer fire department. Amends the conditions and manner under which a blue light may be displayed on a vehicle by a member of a volunteer fire department. Makes conforming amendments.

**Effective:** Upon passage.

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**Bischoff, Ruppel, Kuzman, Goodin**

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January 10, 2002, read first time and referred to Committee on Public Policy, Ethics and Veterans Affairs.  
January 30, 2002, amended, reported — Do Pass.

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HB 1208—LS 7068/DI 96+



January 31, 2002

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

## HOUSE BILL No. 1208

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1       SECTION 1. IC 34-6-2-103, AS AMENDED BY P.L.95-2001,  
2       SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       UPON PASSAGE]: Sec. 103. (a) "Person", for purposes of IC 34-14,  
4       has the meaning set forth in IC 34-14-1-13.  
5       (b) "Person", for purposes of IC 34-19-2, has the meaning set forth  
6       in IC 35-41-1.  
7       (c) "Person", for purposes of IC 34-24-4, means:  
8           (1) an individual;  
9           (2) a governmental entity;  
10          (3) a corporation;  
11          (4) a firm;  
12          (5) a trust;  
13          (6) a partnership; or  
14          (7) an incorporated or unincorporated association that exists  
15          under or is authorized by the laws of this state, another state, or a  
16          foreign country.  
17       (d) "Person", for purposes of IC 34-26-2, includes individuals at

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1 least eighteen (18) years of age and emancipated minors.

2 (e) "Person", for purposes of IC 34-26-4, has the meaning set forth  
3 in IC 35-41-1-22.

4 (f) "Person", for purposes of IC 34-30-5, means any of the  
5 following:

- 6 (1) An individual.
- 7 (2) A corporation.
- 8 (3) A partnership.
- 9 (4) An unincorporated association.
- 10 (5) The state (as defined in IC 34-6-2-140).
- 11 (6) A political subdivision (as defined in IC 34-6-2-110).
- 12 (7) Any other entity recognized by law.

13 (g) "Person", for purposes of IC 34-30-6, means an individual, a  
14 corporation, a limited liability company, a partnership, an  
15 unincorporated association, or a governmental entity that:

- 16 (1) has qualifications or experience in:
  - 17 (A) storing, transporting, or handling a hazardous substance or
  - 18 compressed gas;
  - 19 (B) fighting fires;
  - 20 (C) emergency rescue; or
  - 21 (D) first aid care; or
- 22 (2) is otherwise qualified to provide assistance appropriate to
- 23 remedy or contribute to the remedy of the emergency.

24 (h) "Person", for purposes of IC 34-30-18, includes:

- 25 (1) an individual;
- 26 (2) an incorporated or unincorporated organization or association;
- 27 (3) the state of Indiana;
- 28 (4) a political subdivision (as defined in IC 36-1-2-13);
- 29 (5) an agency of the state or a political subdivision; or
- 30 (6) a group of such persons acting in concert.

31 (i) "Person", for purposes of sections 42, 43, 69, and 95 of this  
32 chapter, means an individual, an incorporated or unincorporated  
33 organization or association, or a group of such persons acting in  
34 concert.

35 (j) "Person" for purposes of IC 34-30-10.5, means the following:

- 36 (1) A political subdivision (as defined in IC 36-1-2-13).
- 37 (2) A volunteer fire department (as defined in IC 36-8-12-2).
- 38 (3) An employee of an entity described in subdivision (1) or (2)
- 39 who acts within the scope of the employee's responsibilities.
- 40 (4) A volunteer firefighter (as defined in IC 36-8-12-2) who is
- 41 acting for a volunteer fire department.

42 **(5) After March 31, 2002, a corporation, a limited liability**

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company, a partnership, an unincorporated association, or any other entity recognized by law.

SECTION 2. IC 36-8-12-11, AS AMENDED BY P.L.6-2001, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) ~~Subject to the conditions set forth in subsection (b);~~ Members of volunteer fire departments may display blue lights on their privately owned vehicles while en route ~~(1)~~ to scenes of ~~fires or other emergencies~~ **or to the fire station** in the line of duty ~~and~~

~~(2)~~ to a fire station to get firefighting equipment to transport to the scene of a fire or other emergency in the line of duty:

~~(b)~~ The lights displayed on a member's privately owned vehicle must satisfy **subject to** the following conditions:

(1) A light must have a light source of at least ~~fifty (50)~~ **thirty-five (35) watts**.

(2) All lights must be placed on the:

(A) top of the vehicle;

(B) ~~In addition,~~ lights may be placed **dashboard inside a vehicle, shielded to prevent distracting the driver; or**

(C) ~~on the~~ front of the vehicle upon the bumper or at bumper level.

(3) No more than four (4) blue ~~lights~~ **light assemblies** may be displayed on one (1) vehicle, and each blue light **assembly** must be of the flashing or revolving type. ~~and visible for three hundred sixty (360) degrees; except for lights that are placed on the front of the vehicle:~~

(4) A blue light ~~must consist of a lamp with a blue lens; not of an uncolored lens with a blue bulb. However, a revolving light assembly may contain multiple bulbs.~~

(5) A blue light may not be a part of the regular head lamps displayed on the vehicles. **Alternately flashing head lamps may be used as a supplemental warning device. Strobe lights or flashers may be installed into the light fixtures on the vehicle other than the alternating head lamps. The strobe lights or flashers may be either white or blue, with the exception of red to the rear.**

~~(c)~~ **(b)** In order for a volunteer firefighter to display a blue light on ~~his~~ a vehicle, ~~he~~ **the volunteer firefighter** must secure a written permit from the chief of the volunteer fire department to use the blue light and must carry the permit at all times when the blue light is displayed.

~~(d)~~ **(c)** A person who is not a member of a volunteer fire department may not display ~~a~~ **an illuminated** blue light ~~of any size or shape~~ on a



1 ~~motor~~ vehicle.

2 ~~(e)~~ (d) A permittee of the owner of a vehicle lawfully equipped with  
3 a blue light may operate the vehicle only if the blue light is not  
4 illuminated.

5 ~~(f)~~ (e) A person who violates subsection (a), (b), (c), **or** (d) ~~or (e)~~  
6 commits a Class C infraction. If the violator is a member of a volunteer  
7 fire department, the chief of the department shall ~~dismiss him from~~  
8 **membership in the discipline the violator under fire department rules**  
9 **and regulations.**

10 ~~(g)~~ (f) This section does not grant a vehicle displaying blue lights  
11 the right-of-way under IC 9-21-8-35 or exemption from traffic rules  
12 under IC 9-21-1-8. A driver of a vehicle displaying a blue light shall  
13 obey all traffic rules.

14 (g) **This section shall not be construed to include a vehicle**  
15 **displaying a blue light and driven by a member of a volunteer fire**  
16 **department as an authorized emergency vehicle (as defined in**  
17 **IC 9-13-2-6).**

18 SECTION 3. **An emergency is declared for this act.**

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, Ethics and Veterans Affairs, to which was referred House Bill 1208, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Delete page 2.

Page 3, delete lines 1 through 10.

Page 6, delete lines 3 through 36.

Re-number all SECTION consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1208 as introduced.)

KUZMAN, Chair

Committee Vote: yeas 11, nays 0.

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